

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DEBORAH ST. PETER, ET AL, )  
Plaintiffs )  
 )  
v. ) C.A. No. 04-30054-MAP  
 )  
TOWN OF AGAWAM, ET AL, )  
Defendants )

MEMORANDUM AND ORDER REGARDING  
EXPERT TESTIMONY REGARDING  
PLAINTIFFS' MONELL CLAIMS

October 30, 2006

PONSOR, D.J.

At the court's request, counsel have submitted memoranda regarding potential expert testimony in support of, or in opposition to, Plaintiffs' claims for supervisory and municipal liability.

Having now reviewed the memoranda, the court can confirm that expert testimony by both Plaintiffs' and Defendants' experts may well be permitted regarding training, supervision, policies and procedures of the Agawam Police Department, subject to a specific proffer regarding the details of the expert's testimony.

Expert testimony will not be permitted regarding the reasonableness of the force used in this case, or the so-called "code of silence." The reasonableness of the force may be adequately weighed by the jury, applying the court's instructions on the law, without expert assistance.

Discussion regarding a general "code of silence" is irrelevant.

This case is currently scheduled to proceed to trial on December 11, 2006. However, as the court noted in denying Defendant's Motion to Continue, a three-week criminal jury trial is currently scheduled to start on December 4, 2006. If that trial goes forward, it will be necessary to postpone this case. Counsel should stay closely in touch with the clerk to monitor developments.

It is So Ordered.

/s/ Michael A. Ponsor  
MICHAEL A. PONSOR  
U. S. District Judge